

ORIGINAL

BEFORE THE STATE BOARD OF SPEECH AND HEARING SERVICES
(Formerly, the Hearing Aid Dealers and Fitters Board)

STATE OF IDAHO

In the Matter of the License of:

RANDELL E. BROWN,
License No. H-8,

Respondent.

Case No. HAD-P5B-04-00-004

FINAL ORDER

THIS MATTER came on for hearing on November 14, 2005, before Jean R. Uranga, Hearing Officer, pursuant to an Order to Show Cause. The State appeared in person and by its attorney, Stephanie Guyon. Respondent, Randell E. Brown, failed to appear either in person or through counsel. On November 30, 2005, the Hearing Officer submitted her Findings of Fact, Conclusions of Law, and Recommended Order. On November 30, 2005, the Hearing Officer also filed a Schedule of Review regarding the Recommended Order. Finally, on December 7, 2005, the Hearing Officer entered an Order Denying Motion to Reconsider based upon a letter sent by the Respondent to the Hearing Officer.

This matter then came before the Idaho State Board of Speech and Hearing Services on January 26, 2006. The Board, having conducted an independent review of the record, and having considered all evidence presented before the Hearing Officer; the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order; and all other matters of record; and good cause appearing therefore, the Board unanimously adopted the following order.

FINAL ORDER - 1.

IT IS HEREBY ORDERED as follows:

1. That the Hearing Officer's Findings of Fact and Conclusions of Law are hereby adopted and incorporated herein by reference.

2. It is clear that Respondent has failed to comply with the previous Order entered in this matter on September 24, 2002. The Respondent's failure to comply with the Board's Order is a violation of the Hearing Aid Dealers and Fitters Act which was in effect at the time of the Board's Final Order, and until July 1, 2005. Further, the Board deems that Respondent's conduct also violates the provisions of the Speech and Hearing Services Practice Act, which became effective July 1, 2005. Further, the Board possesses the authority to assess Respondent's conduct under the qualifications necessary to renew his license, including the requirement that he has not previously had a license sanctioned as a part of disciplinary action in this state, and further that he has never been found by the Board to have engaged in conduct prohibited by this chapter, provided the Board may take into consideration rehabilitation and other mitigating circumstances. And finally, that the Board may consider Respondent's good moral character in considering this matter. (*See*, Idaho Code Section 54-2916(1)(b), (1)(c) and (1)(e)).

3. It is the Board's determination that Respondent's conduct has violated Idaho Code Sections 54-2923(17) and 54-2916, as set forth herein. That pursuant to Idaho Code Sections 54-2910, 54-2916, 54-2921, 54-2923(17) and 54-2925, the Board imposes the following disciplinary sanction upon Respondent Randell E. Brown.

- a. That Respondent's License No. H-8 shall be suspended and Respondent shall not practice as a hearing aid dealer and fitter until such time as he pays in full those costs and attorney's fees ordered in the Final Order of the Board dated September 24, 2002, in the current amount of \$6,824.61.

FINAL ORDER - 2.

4. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (*See*, Idaho Code Section 67-5247(4)).

b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (*See*, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.


5. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

FINAL ORDER - 3.

DATED this 1 day of March, 2006.

STATE BOARD OF SPEECH AND HEARING
SERVICES

By

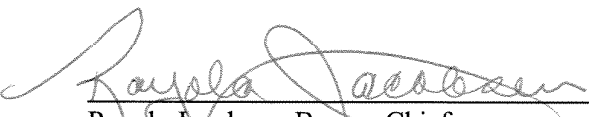

Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of March, 2006, I caused to be served,
by the method(s) indicated, a true and correct copy of the foregoing upon:

Stephanie Guyon	<input checked="" type="checkbox"/>	U.S. Mail
Deputy Attorney General	<input type="checkbox"/>	Hand Delivered
Office of the Attorney General	<input type="checkbox"/>	Federal Express
P.O. Box 83720	<input type="checkbox"/>	Fax Transmission
Boise, Idaho 83720-0010		

Randell E. Brown	<input checked="" type="checkbox"/>	U.S. Mail
380 S. Freeman	<input checked="" type="checkbox"/>	Certified Mail # _____
P.O. Box 3003	<input type="checkbox"/>	Federal Express
Idaho Falls, Idaho 83403-3003	<input type="checkbox"/>	Fax Transmission


Rayola Jacobsen, Bureau Chief

M:\General Representation\Bureau of Occupational Licenses\Speech & Hearing Services\4773_01 Brown Final Order.wpd

FINAL ORDER - 4.